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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,555	02/19/2002	Masashi Watanabe	02097/LH	9145
1933	7590	12/13/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 767 THIRD AVENUE 25TH FLOOR NEW YORK, NY 10017-2023			SINGH, SATWANT K	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/079,555

Applicant(s)

WATANABE, MASASHI

Examiner

Satwant K. Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- ✓ 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Saito et al. (US 6618749).

3. Regarding Claim I, Saito et al disclose a facsimile apparatus comprising: a communication section which performs image data communication utilizing a mail transmission system of a computer network (IFAX 11) (e-mail transmitted from Internet facsimile (IFAX) 11 or personal computer (PC) 12 on the transmitting side is transmitted to IFAX 14 on the receiving side via Internet 13) (col. 3, lines 37-40); a printer which prints an arbitrary image (printer 27); a determining section (failure mail identification section 31) which, if a delivery confirmation mail has arrived, determines whether a delivery failure of the image data transmitted from the communication section is notified by the delivery confirmation mail (failure mail identification section 31 identifies whether the E-mail data stored in data storage 25 is failure mail or not) (col. 4, lines 22-30); and a control section which causes the printer to print an image based on the delivery

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confirmation mail, only if the determining section has determined that the delivery failure is notified (failure mail output from the IFAX) (col. 5, lines 43-48).

4. Regarding Claim 2, Saito et al disclose a facsimile apparatus comprising: an acceptance section which accepts user designation as to whether or not the delivery confirmation mail is requested, if the user requests transmission of the image data (delivery status notification mail identification section 32); and a request section which causes the communication section to perform transmission of the image data with the request of the delivery confirmation mail, in response to the acceptance section accepting the user designation that the delivery confirmation mail is requested (transmit data from the IFAX) (col. 5, lines 7-30), wherein the control section causes the printer to print the image based on the delivery confirmation mail regardless of a determination result of the determining section, if the delivery confirmation mail has arrived in response to the transmission of the image data with the request of the delivery confirmation mail performed under control of the request section (failure mail output from the IFAX) (col. 5, lines 43-48).

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5. Regarding Claim ~~4~~³, Saito et al disclose a facsimile apparatus, wherein the communication section transmits an e-mail, to which image data is attached as an attachment file, based on an e-mail protocol (e-mail transmitted from a PC or another IFAX is received by control unit 21 via the Internet according to SMTP) (col. 4, lines 15-19).

6. Claim 8 is rejected for the same reason as claim 1.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. in view of Yoshiura (US 6,785,017).

9. Regarding Claim 4, Saito et al teach a facsimile apparatus comprising: a communication section which performs image data communication utilizing a mail transmission system of a computer network (IFAX 11) (e-mail transmitted from Internet facsimile (IFAX) 11 or personal computer (PC) 12 on the transmitting side is transmitted to IFAX 14 on the receiving side via Internet 13) (col. 3, lines 37-40); a storage which stores image data which has been transmitted by the communication section (transmit data storage 38); a determining section (failure mail identification section 31) which, if a delivery confirmation mail has arrived, determines whether a delivery failure of the image data transmitted from the communication section is notified by the delivery confirmation mail (failure mail identification section 31 identifies whether the E-mail data stored in data storage 25 is failure mail or not) (col. 4, lines 22-30).

Saito et al fail to teach a facsimile apparatus comprising: a control section which causes the communication section to retransmit, when the determining

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section has determined that the delivery failure is notified, that image data of said image data stored in the storage, which is notified by the delivery confirmation mail as having failed to be delivered.

Yoshiura teaches a facsimile apparatus comprising: a control section which causes the communication section to retransmit, when the determining section has determined that the delivery failure is notified, that image data of said image data stored in the storage, which is notified by the delivery confirmation mail as having failed to be delivered (Fig. 4, S31-S35) (co. 4, lines 50-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Saito with the teaching of Yoshiura to retransmit the image data in response to a delivery failure of the image data in a facsimile transmission.

10. Regarding Claim 5, Saito et al fail to teach a facsimile apparatus, wherein the determining section determines whether the delivery failure is due to a predetermined cause with which the possibility of success in delivery by retransmission is low, and the control section does not perform retransmission if the determining section determines that the delivery failure is due to the predetermined cause.

Yoshiura teaches a facsimile apparatus, wherein the determining section determines whether the delivery failure is due to a predetermined cause with which the possibility of success in delivery by retransmission is low, and the control section does not perform retransmission if the determining section

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determines that the delivery failure is due to the predetermined cause. (Fig. 5, S44, No) (col. 5, lines 1-6)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Saito with the teaching of Yoshiura to not retransmit image data if the receiving facsimile apparatus does not have the capabilities of viewing the data.

11. Regarding Claim 6, Saito et al fail to teach a facsimile apparatus, wherein the determining section determines whether the delivery failure of the image data is due to lack of reception capability of a receiving terminal if the reception capability of the receiving terminal is indicated in the delivery confirmation mail, and the control section causes the communication section to retransmit the image data in a form receivable with the reception capability indicated in the delivery confirmation mail, if the determining section determines that the delivery failure of the image data is due to the lack of the reception capability of the receiving terminal.

Yoshiura teaches a facsimile apparatus, wherein the determining section determines whether the delivery failure of the image data is due to lack of reception capability of a receiving terminal (Fig. 3, S21, file cannot be opened), if the reception capability of the receiving terminal is indicated in the delivery confirmation mail (Fig. 3, S22, error message), and the control section causes the communication section to retransmit the image data in a form receivable with the reception capability indicated in the delivery confirmation mail, if the determining section determines that the delivery failure of the image data is due

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to the lack of the reception capability of the receiving terminal (Fig. 4, S35, retransmit image in G3 facsimile mode) (co. 4, lines 1-44) .

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Saito with the teaching of Yoshiura to retransmit image data converted into a format that can be understood by the receiving facsimile apparatus.

12. Regarding Claim 7, Saito et al teach a facsimile apparatus, wherein the communication section transmits an e-mail, to which image data is attached as an attachment file, based on an e-mail protocol (e-mail transmitted from a PC or another IFAX is received by control unit 21 via the Internet according to SMTP) (col. 4, lines 15-19).

13. Claim 9 is rejected for the same reason as claim 4.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inniss et al. (US 5,381,527) discloses a sy6stem for efficient message distribution by successively selecting and converting to an alternate distribution media indicated in a priority table upon preferred media failure.

Otsuka et al (US 6,700,674) discloses a facsimile apparatus capable of automatically transmitting image data through two communication routes, a communication route via and internet and a public communication switched network.

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Tsukui et al (US 6,961,143) disclose an Internet facsimile apparatus and printing method using the same.

Bando et al. (US 2002/0099782) disclose a communication apparatus, data rewrite method and data download method.

Saito et al. (US 2004/0010558) discloses an internet facsimile and e-mail reception method.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


skg

Satwant K. Singh
Examiner
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